



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 21, 1996

Mr. Gustavo L. Acevedo, Jr.
Schulman, Walheim, Heidelberg & Acevedo, Inc.
745 E. Mulberry, Suite 700
San Antonio, Texas 78212

OR96-0377

Dear Mr. Acevedo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38720.

The United Independent School District of Laredo, Texas (the "school district") received a request for fourteen categories of documents. You claim that three of the requested categories are excepted from disclosure under sections 552.101, 552.103, and 552.022 of the Government Code.¹

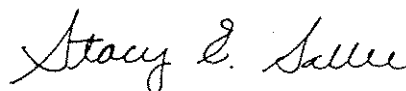
Chapter 552 of the Government Code imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness overcome by a showing that the information is made confidential by another source of law or affects third party interests).

You state that the school district received the request for information on January 22, 1996. However, the school district did not request an opinion from this office until February 8, 1996, more than ten days after the school district received the request.

¹We note that you claim section 552.101 based on the attorney-client privilege. The attorney-client privilege is more properly invoked under section 552.107(1) of the Government Code.

Therefore, in the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). We note that this office has previously held that a demonstration of the applicability of either section 552.103 or section 552.107(1) does not constitute a compelling reason to overcome a presumption of openness. See Open Records Decision Nos. 630 (1994) (Gov't Code § 552.107), 473 (1987) (Gov't Code § 552.103). We enclose for your information a list of the types of information that are confidential by statute or by a right of privacy. We caution that this list is merely an example of different confidentiality provisions and is not exhaustive. If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 38720

Enclosure: Confidentiality list

cc: Ms. Cookie Miller
La Bota Ranch
405 A. E. Muller Sr. Memorial Blvd.
Laredo, Texas 78045
(w/enclosure)